

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs	§	
	§	
VS.	§	
	§	HARRIS COUNTY, TEXAS
RANKIN ROAD INC. D/B/A	§	
HOUSTON DOLLS.,	§	
AND THE PREMISES LOCATED AT	§	
313 RANKIN ROAD, HOUSTON,	§	
HARRIS COUNTY, TEXAS -	§	
<i>In Rem</i>	§	_____JUDICIAL DISTRICT
Defendants	§	

**PLAINTIFF’S ORIGINAL PETITION FOR ABATEMENT OF COMMON NUISANCES, APPLICATION
FOR A TEMPORARY AND PERMANENT INJUNCTION,
AND REQUEST FOR DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

Harris County Attorney Vince Ryan brings this suit on behalf of the State of Texas (State), plaintiff-petitioner (plaintiff), to enjoin and abate a common nuisance.¹ The State complains that the defendant business known as “HOUSTON DOLLS” is operating an adult cabaret business for the purpose of prostitution, the promotion of prostitution, and organized criminal activity. This unlawful activity occurs on the premises located at 313 Rankin Road, Houston, Harris County, Texas (Houston Dolls Premises).

HOUSTON DOLLS (the business) is owned by defendant Rankin Road Inc.

Rankin Road Inc. also owns the premises – real property and building - at 313 Rankin Road, Houston, Harris County, Texas.

¹ Tex. Civ. Prac. & Rem. Code § 125.002(a)

PARTIES

1. The State of Texas by and through Harris County Attorney Vince Ryan's Office, with its principal office located at 1019 Congress, 15th Floor, Houston, Texas, is duly authorized under Section 125.002 of the Texas Civil Practices and Remedies Code to bring and prosecute this cause of action to enjoin and have abated those activities declared to be a common nuisance and to have Houston Dolls and the Houston Dolls premises enjoined and any other such relief to abate the nuisance. The State of Texas is exempt from bond and court costs.

2. The defendant, Rankin Road Inc., doing business as "Houston Dolls," may be served with process by serving its registered agent, **Kamal Darvishi, at 6100 Westheimer #144, Houston, Texas 77057.**

3. The Premises at 313 Rankin Road, Houston, Harris County, Texas is operated as a common nuisance. Tex. Civ. Prac. & Rem. Code § 125.0015. Plaintiffs bring this suit in rem under Tex. Civ. Prac. & Rem. Code § 125.002(b). This in rem Defendant may be served by serving the owner of the Premises, Rankin Road Inc., by serving its registered agent, **Kamal Darvishi, at 6100 Westheimer #144, Houston, Texas 77057.**

4. Houston Dolls, Rankin Road Inc. and the Houston Dolls Premises are collectively referred to as the defendants. The defendants maintain a place where persons habitually go for the purpose of prostitution, promotion of prostitution, aggravated promotion of prostitution; for the unlawful possession, use, delivery, dispensation, or distribution of controlled substances or dangerous drugs; and for other common nuisance activities. The defendants knowingly tolerate the activity and fail to make reasonable attempts to abate these activities.

5. The defendants knowingly maintain a place that allows prostitution on their premises. The defendants have also employed dancers under the age of 17 - violating Tex. Penal

Code § 43.25(a)(1)(3). “Sexual Performance” means any performance or part thereof that includes sexual conduct by a child younger than 18 years of age. Tex. Penal Code § 43.25 (a)(1). “Performance” means any play, motion picture, photograph, dance or other visual representation that can be exhibited before an audience of one or more persons. Tex. Penal Code § 43.25 (a)(3).

DISCOVERY CONTROL PLAN

6. The Plaintiffs move the Court to issue a docket control order under Rule 190.4 of the Texas Rules of Civil Procedure, tailored to the circumstances of this specific suit, and setting the temporary injunction hearing as soon as practicable.

JURISDICTION AND VENUE

7. This Court has subject matter and personal jurisdiction under Tex. Civ. Prac. & Rem. Code § 125.002(a). The defendants are maintaining the property as a common nuisance.

8. Venue is proper.² The real property at issue is located in Harris County, Texas.

STATEMENT OF FACTS

9. Harris County Sheriff Adrian Garcia’s Office – Vice Division – has conducted undercover operations at HOUSTON DOLLS, resulting in multiple arrests for prostitution and drug related offenses. Such violations constitute a common nuisance under Civ. Prac. & Rem. Code § 125.0015(a) (6).

10. Harris County Sheriff Adrian Garcia’s Office has responded multiple times to HOUSTON DOLLS for other offenses which are defined by Section 125 as “Nuisance Activities”, these offenses include robbery, aggravated assault, gambling, narcotics and others.³

² Tex. Civ. Prac. & Rem. Code § 15.016 & § 125.002(a).

³ Tex. Civ. Prac. & Rem. Code § 125.0015(a)

COMMON NUISANCE

11. In keeping with Tex. Civ. Prac. & Rem. Code § 125.002(h), the State has considered the failure of the defendants to promptly notify appropriate law enforcement agencies of the unlawful common-nuisance activities; or to cooperate with law enforcement investigations of criminal acts occurring on the premises at 313 Rankin Road, Houston, Harris County, Texas.

12. The general reputation of Houston Dolls is evidence of the existence of a common nuisance.⁴

13. The frequency of the violations described above is prima facie evidence that the defendant business, and land owner collectively and knowingly tolerated prostitution, promotion of prostitution, drugs and other criminal offenses.⁵

14. “[A] person who maintains a place to which persons habitually go . . . and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance.”⁶ HOUSTON DOLLS constitutes a common nuisance within the meaning of Tex. Civ. Prac. & Rem. Code § 125.001 et seq.

15. Further, persons who use a place for purposes constituting a nuisance violate the nuisance statute, and may be added as defendants. Customers are as liable as the business owner. Tex. Civ. Prac. & Rem. Code § 125.002(b). Therefore, customers who are involved in criminal activities in the nuisance businesses may be named as defendants in nuisance abatement suits.

REQUEST FOR TEMPORARY INJUNCTIVE RELIEF

16. HOUSTON DOLLS is knowingly maintained as a business where prostitution, promotion of prostitution, organized criminal activity, and other crimes under Chapter 125 of the

⁴ Tex. Civ. Prac. & Rem. Code § 125.004(c).

⁵ *Id* at subsection (a).

⁶ Tex. Civ. Prac. & Rem. Code § 125.0015(a).

Texas Civil Practice & Remedies Code are committed. As such the property constitutes a common nuisance as defined by Section 125.0015(a) of the Texas Civil Practice & Remedies Code.

17. HOUSTON DOLLS has failed or refused to abate the nuisance. Defendant is likely to continue to maintain the property as a common nuisance unless restrained by an injunctive order of the Court.

18. Unless the defendants are enjoined from maintaining the property as a common nuisance, the citizens of Harris County, Texas will suffer irreparable harm. The State of Texas has no other adequate remedy at law to prevent the continued maintenance of the property as a common nuisance.

19. The consequences of the above-described unlawful activities at the property, as well as the foreseeable resulting criminal activity associated with these acts, would proximately cause a person of ordinary sensibilities to be substantially frightened, discomforted, annoyed, and inconvenienced in the use of any premises surrounding the property.

20. The State requests a temporary injunction. And if, after notice and a hearing, the Court determines that the State is likely to succeed on this suit to abate a common nuisance, the Court shall order reasonable requirements to prevent the use and maintenance of the place as a nuisance and require the defendants to execute a bond. Tex. Civ. Prac. & Rem. Code § 125.045(a). The bond must be payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but no less than \$5,000 nor more than \$10,000; have sufficient sureties approved by the Court; and be conditioned that the defendants will not knowingly allow a common nuisance to exist at that place.

21. If the defendants violate any condition of the bond or any injunctive order by this Court, the Harris County Attorney Vince Ryan shall sue on the bond in the name of the State; and upon a showing of a violation of any condition of the bond or injunctive order, the whole sum of the bond, plus cost and attorney fees, should be ordered forfeited to Harris County, Texas, the originating entity. Subsequent to the bond forfeiture, the Court shall order the place where the nuisance exists closed for one year from the date of the order of bond forfeiture.⁷ In addition, the Court may impose the laundry list of sanctions under § 125.045(b); including cutting off utilities to the place, revoking the occupancy permit, prohibit access through public streets or alleys, limit hours of operation, order termination of the tenant's lease, or any other legal remedy available under the laws of Texas.

22. If final judgment favors the State, the Court shall grant a permanent injunction ordering the defendant, HOUSTON DOLLS, 313 Rankin Road, Houston, Harris County, Texas, to abate the nuisance and be forever enjoined from maintaining or participating in the common nuisance existing on the property. The Court may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance.

23. A person who violates a temporary or permanent injunctive order is subject to the following sentences for civil contempt:⁸

- a. fine of not less than \$1,000 or more than \$10,000;
- b. confinement in jail for a term of not less than 10 or more than 30 days;
- c. both a fine and confinement.

REQUEST FOR PERMANENT INJUNCTIVE RELIEF

24. Additionally, the State seeks permanent injunctive relief.

⁷ Tex. Civ. Prac. & Rem. Code § 125.003(a) & (b).

⁸ Tex. Civ. Prac. & Rem. Code § 125.002(d).

ATTORNEY'S FEES

25. To litigate this case, it was necessary for the State of Texas to secure the services of Harris County Attorney Vince Ryan's Office. Pursuant to Tex. Civ. Prac. & Rem. Code §125.003, the State requests that defendants be adjudged jointly and severally liable for the Harris County Attorney's reasonable attorney fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

VERIFICATION

26. A plaintiff-petitioner is not required to verify the petition, or show proof of personal injury. Tex. Civ. Prac. & Rem. Code § 125.002(a).

REQUEST FOR INITIAL DISCLOSURES

27. The State asks the defendants to produce their initial disclosures within 50 days of service of this request. See Tex. R. Civ. P. 194.2.

PRAYER

After a temporary injunction hearing – the State asks the Court to order defendants to execute a bond payable to the STATE OF TEXAS of not less than \$5,000, nor more than \$10,000 with sufficient sureties; with the condition that the defendants will not maintain a common nuisance at 313 Rankin Road, Houston, Harris County, Texas. Upon final judgment, the plaintiff asks for a permanent injunction, court costs, costs of suit, costs of investigation, witness fees, deposition fees, reasonable attorney's fees, and all other relief to which plaintiff may be justly entitled.

Respectfully submitted,

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